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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 766,573	01 23/2001	Daniel Sherwin	021619.0106	2345

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EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,573

Applicant(s)

SHERWIN, DANIEL

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5, and 11-16 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 21 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1, 2, and 4-16 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 12-16 rejected under 35 U.S.C. 102(b) as being anticipated by Mooney, U.S. Patent No. 3,589,757.

Mooney discloses a "fast deployable light-weight tripod"(see FIGS. 1-4) comprising: a "center support...with three peripheral hinge members"(see 12 and 18 of FIG. 1); "at least three multistage telescoping leg assemblies..."(see 16 of FIG. 1) comprising "at least two compression-resistant members..."(see 20 and 22 of FIG. 1) comprising "at least one plastic, fiber-reinforced tube..."(see col. 2, lines 10-12); "at least one cam locking unit..."(see 58 of FIG. 1) having a "first engaged position which allows extension of said leg assembly"/ "each locking unit being urged towards its engaged position for automatic locking of said tripod in its deployed position with said cam locking being effected by pressure on said cam unit from its associated extended

leg"(see col. 3, lines 25-34 and lines 61-65), and a "second disengaged position wherein said assemblies are free to move in either axial direction"(see col. 3, lines 20-25, lines 34-38, and lines 61-65); a "hand accessible release element..."(see 66 of FIGS. 2 and 4); "wherein the locking force provided by said cam locking unit when in its engaged position automatically increases as weight load increases as weight load increases on said center support"(see col. 3, lines 65 to col. 4, lines 1-6); "wherein each of said cam locking units is provided with spring means..."(see 64 of FIGS. 2 and 4); a "shoe member..."(see 46, 54, and 56 of FIGS. 2 and 4). Features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, U.S. Patent No. 3,589,757 in view of Johnson et al., U.S. Patent No. 5,503,357.

Mooney discloses the claimed invention except for "a foldable hinged three-arm restriction member".

Johnson teaches that it is known to provide "a spreader"(see 26 of FIG. 1) to hold "supports"(see 14 of FIG. 1) together so as to "prevent them from sliding apart, and, further can be used to support the entire tripod for movement across the surface"(see col. 3, lines 17-31) comprising "three spreader legs"(see 26a, 26b, and 26c of FIG. 1) that "permit telescoping adjustment of their lengths"(see also col. 3, lines 17-31) having a "lock mechanism"(see 28a, 28b, and 28c of FIG. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tripod of the Mooney reference with a spreader to prevent the leg assemblies from sliding apart and three spreader legs, each having a lock mechanism, to permit telescoping adjustment of their lengths, as taught by Johnson.

2. Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mooney, U.S. Patent No. 3,589,757 in view of Hartman et al., U.S. Patent No. 4,767,090.

Mooney discloses the claimed invention except for each leg assembly comprising "three" compression-resistant members.

Hartman teaches that it is known to provide a tripod with "tripod legs"(see 44d of FIG. 34) comprising an "upper tripod leg assembly"(see 52d of FIG. 34), a "lower tripod leg assembly"(see 54d of FIG. 34), and "auxiliary post"(see 400 of FIG. 24) interconnected by "guide and support members"(see 210d and 402 of FIG. 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made provide the tripod of the Mooney reference with tripod legs comprising three tripod leg assemblies, as taught by Hartman, since tripod legs with three tripod leg assemblies are well known in the art and further, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

#### ***Allowable Subject Matter***

Claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

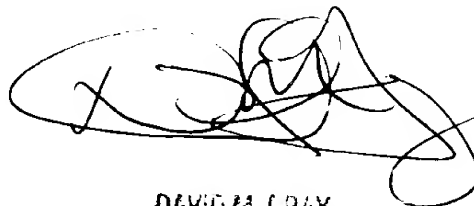
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Art Unit: 2851

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'David M. Gray', with a large, loopy flourish extending from the end.

DAVID M. GRAY  
PRIMARY EXAMINER

RB  
December 15, 2002